

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Michael McKinnon

Docket No. 7:01-CR-43-1F

Petition for Action on Supervised Release

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael McKinnon, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon in violation of 18 U.S.C. §922(g)(1), Distribution of at Least 5 Grams of Cocaine Base (Crack) in violation of 21 U.S.C. §841(a)(1), and Distribution of Cocaine Base (Crack) and Aiding and Abetting in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. §2 was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on December 10, 2001, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as directed by the probation office.
4. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
5. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
6. The defendant shall complete his GED while on supervised release.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Mr. McKinnon submitted a urine sample on March 29, 2011, that was positive for the use of cocaine. Mr. McKinnon states that he used cocaine on one occasion prior to this submission. It is recommended that he serve 2 days in jail as a sanction for this violation. In addition, he has been directed to return to substance abuse treatment at Clean and Clear Counseling of Lumberton immediately.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, commencing as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: April 12, 2011

ORDER OF COURT

Considered and ordered this 12th day of April, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge